

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	CASE NO. 17-cr-00630 (ER)
)	
Plaintiff,)	DEFENDANT'S MOTION TO
)	MODIFY CONDITION OF BOND
vs.)	AS TO HOME DETENTION
)	
MARK S. SCOTT,)	ECF CASE
)	
Defendant.)	
)	

Defendant, Mark S. Scott, moves this Honorable Court to modify the condition of his bond as to home detention and as grounds therefore states:

1. Mark S. Scott was arrested on September 5, 2018.
2. Mr. Scott was released on bond pending trial.
3. The appearance bond was executed by the Court on September 19, 2018 [Doc. 18].
4. Page 6 of the appearance bond set forth additional conditions of release.
5. Paragraph 7(p)(ii) on page 6 provides:

“(ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer;”

6. Mr. Scott respectfully requests that the above referenced condition 7(p)(ii) be replaced with condition 7(p)(I) which provides:

“(I) Curfew. You are restricted to your residence every day

[] from _____ to _____, or [] as directed by the pretrial services office or supervising officer;”

7. Undersigned counsel for Mr. Scott has discussed this motion with Pretrial Services Officer John Moscato, located in the New York office, and he stated that he did not oppose the modification from “Home Detention” to “Curfew.”

8. Undersigned counsel for Mr. Scott has discussed this motion with Pretrial Services Officer Juan Nunez, located in the Miami, Florida office, and he stated that he did not oppose the modification from “Home Detention” to “Curfew.”

9. Counsel for Mr. Scott also discussed this motion with counsel for the government and counsel for the government stated that the **United States opposes** the modification requested in this motion.

WHEREFORE, Defendant Mark Scott respectfully moves this Honorable Court to modify the additional conditions of his bond by removing the requirement of home detention and replacing it with a curfew as directed by the pretrial services office or supervising officer.

Dated: November 13, 2018

Respectfully submitted,

/s/ David M. Garvin

David M. Garvin
Counsel for Defendant, Mark S. Scott
DAVID M. GARVIN, P.A.
200 South Biscayne Boulevard
Suite 3150
Miami, Florida 33131
Tel: (305) 371-8101
Fax: (305) 371-8848
Email: ontrial2@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I electronically filed Defendant's Motion to Modify Condition of Bond as to Home Detention with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the parties in this case:

Christopher Joseph Dimase, AUSA;

Julieta Veronica Lozano, AUSA

Nicholas Folly, AUSA

John Moscato, Pretrial Services Officer, New York, New York

Juan Nunez, Pretrial Services Officer, Miami, Florida

Email: Juan_Nunez@flsp.uscourts.gov

Jamie Nobles, Esq.

/s/ David M. Garvin

David M. Garvin, Esq.
Counsel for Defendant, Mark S. Scott
DAVID M. GARVIN, P.A.
200 South Biscayne Boulevard
Suite 3150
Miami, Florida 33131
Tel: (305) 371-8101
Fax: (305) 371-8848
Email: ontrial2@gmail.com